

REMARKS

The Non-Final Office mailed November 15, 2007 considered claims 1-28, 42-46, 48-56 and 59-61. Claims 1-4, 8-13, 16, 17, 19-24, 26, 27, 48, 49, 59 and 61 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund et al.* (US 2003/0167405) hereinafter *Freund* and further in view of *Dybedokken et al.* (US 6,760,411) hereinafter *Dybedokken*. Claims 5-7, 14, 15, 18, 25, 28, 54 and 55 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Dybedokken* and further in view of *Lipe et al.* (US 5,748,980) hereinafter *Lipe*. Claims 42-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Roberts et al.* (US 7,289,812) hereinafter *Roberts*. Claims 45, 52, and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Dybedokken* and further in view of *Phillips* (US 6,748,195) hereinafter *Phillips*. Claim 46 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Dybedokken* and further in view of *Short et al.* (US 6,130,892) hereinafter *Short*. Claims 50 and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Dybedokken* and further in view of *Akiyama et al.* (US 6,757,821) hereinafter *Akiyama*. Claim 56 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Dybedokken* and further in view of *Korpi et al.* (US 6,198,696) hereinafter *Korpi*. Claim 60 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Dybedokken* and further in view of *Roberts*.¹

By this amendment, claims 1, 42, 48, 49, 59, and 60 are amended.² Accordingly, claims 1-28, 42-46, 48-56, and 59-61 are pending, of which claims 1 and 42 are the independent claims at issue.

Claims 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Dybedokken*. Amendments to claim 1 render portions of the 103(a) rejection based on *Dybedokken* moot.

Further, Applicants traverse the submission that *Freund* teaches the use of accessing one or more parameters including latency information and network bandwidth. Sections 27 and 28 of the office action (page 11), submits that *Freund* teaches the use of accessing one or more

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the amendments to the claims are found throughout the specification and previously presented claims, including but not limited to paragraphs [0047], [0048], [0058]-[0065] and Figures 2 and 3.

parameters including latency information and available bandwidth. The office action cites paragraph [0123] of *Freund* for support. However, paragraph [0123] refers only to addressing parameters, including RAS connection name, gateway physical address, and distinguishes network type, including dial up and Ethernet. In paragraph [0123], there is no reference to latency, network bandwidth, or any other parameter related to data transfer conditions on a network.

In fact, there is no express reference to latency or available bandwidth in *Freund* at all. Further, no reference to latency or bandwidth can be inferred from *Freund*. For example, the data structures below paragraph [0120] refer only to addressing information, names, and descriptions of networks. It is these very data structures that are used to create network IDs (paragraphs [0133]-[0136]). Thus, *Freund* adjusts to the same client configuration for a network at the time the network is detected, regardless of the operating conditions within the network. Accordingly, *Freund* does not teach changing the configuration for different data transfer conditions within a network nor can it be implied, since *Freund* does not even consider these types of parameters.

On the other hand, use of parameters related to data transfer conditions advantageously facilitates different computer configurations for connecting to the same network under different network operating conditions. (see paragraphs [0062] and [0063] of Applicants' specification). That is, different configurations may be better for connecting to the same network at different times depending on the operating conditions within the network at the time of connection.

Accordingly, the cited art fails to teach or suggest:

“an act of accessing one or more network environment parameters, including at least one parameter indicative of current data transfer conditions within the network environment, from the network environment subsequent to connecting to the network environment;

an act of combining the accessed one or more network environment parameters, including the at least parameter indicative of the current data transfer conditions within the network environment, to generate an identifier;

an act of, based on the identifier, selecting characteristics specific to operating under the current data transfer conditions within the network environment that the computer system is connected to, the selected characteristics having been saved from a previous connection to the network environment; and

an act of utilizing the selected characteristics, which correspond specifically to the network environment that the computer system is connected to, to automatically modify the configuration of the computer system from the first configuration to a new configuration to thereby configure the computer system for operating in the network environment under the current data transfer conditions within the network environment."

as recited in claim 1, when viewed in combination with the other limitations of claim 1. For at least this reason claim 1 patentably defines over the art of record. For at least this same reason, claims 2-28, 45, 46, 48-56, and 59-61 also patentably define over the art of record. However, a number of dependent claims also independently distinguish over the art of record. For example, the cited art fails to teach or suggest the limitations of claims 47, 48, 59, and 60. For at least these further reason, claims 47, 48, 59, and 60 patentably distinguish over the art of record.

Claim 42 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Roberts*.

At the bottom of page 30, the office action submits that *Roberts* teaches "an act of utilizing the selected characteristics, which correspond specifically to the network environment that the computer system is being connected to, to modify...a favorites list from one appropriate for a first network environment to one appropriate for a different second network environment". The office action cites Col. 3, lines 20-54 of *Roberts* as support. As recited in those sections, a location bookmark includes a geographic location and bookmark content. (Col. 3, ll. 20-23). A location aware device can detect at a later time its current (geographic) location is within proximity of the geographic location in the bookmark. In response, the device can notify the user of the existence of the location bookmark and retrieve the bookmark. (Col. 3, ll. 41-54).

Location can be represented in any convenient form, such as, for example, Universal Transverse Mercator (UTM) coordinates, and with reference to any grid or other system defining location. (Col. 3, ll. 55-58). Elevation of a geographic location can be included. (Col. 3, ll. 59-

60). A current location can be determined from GPS, inertial navigation system (INS), or a triangulation system (e.g., cell phone antennas). (Col. 1, ll. 7-19 and Col. 4, ll. 56-67).

Thus, identification and presentation of a location bookmark is dependent on the geographic location of a device. However, identification or presentation of a location bookmark is not altered based on the specific network used to determine the geographical location. That is, for a determined device location, different location bookmarks are not presented based on the network (e.g., GPS or INS) used to determine the device location. Conversely, when a location is determined, whether it be using GPS, INS, Triangulation, etc., the same location bookmark is identified and/or presented. Thus, the same location bookmark is appropriate for any network environment, since a location bookmark depends on a geographic location.

Accordingly, *Roberts* fails to teach or otherwise suggest, "utilizing the selected characteristics, which correspond specifically to the network environment that the computer system is being connected to, to modify a configuration of the computer system from the first configuration to a new configuration, and wherein modifying the configuration of the computer system includes automatically changing from a favorites list used with a previously connected network environment to a different favorites list for use with the network environment the computer system is being connected to.", as recited in claim 42. For at least this reason, claim 42 patentably defines over the art of record. For at least this same reason, claims 43 and 44 patentably define over the art of record.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 15th day of February, 2008.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
MICHAEL B. DODD
Registration No. 46,437
Attorneys for Applicant
Customer No. 47973

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